

REMARKS

Upon entry of this Amendment, claims 1-8, 10-33, and 35-39 are pending in this Application. The Examiner's indication that claims 1-8, 10-31, and 37-39 are allowed, and that claim 35 contains allowable subject matter is gratefully acknowledged.

The Examiner has rejected claims 32, 34, and 36 under 35 U.S.C. §102(e) as being anticipated by Lee, et al. (U.S. 6,622,700). The Examiner has also rejected claim 33 under 35 U.S.C. 103(a) as being unpatentable over Lee, et al. in view of Lorraine (US 5,616,037). The Examiner points to the following language of Lee, et al. as the basis for rejection (underlining added for emphasis):

An integrated fuel rail 20 and fuel injector 36 is shown in FIG. 2B. The fuel rail 20 includes a first opening 41 receiving the first portion 40. A polymer layer 48 extends from the fuel rail 20 about the first portion 40 of the fuel injector 36 to create a seal between the fuel rail 20 and the first portion 40. In this manner, a separate seal is not necessary to prevent leakage of fuel. The polymer layer 48 may be molded over a fuel injector and separate fuel rail, or the polymer layer may form the fuel rail 20 and define the passageway 32, as shown in FIG. 2B.

It is noted that Lee, et al. claims priority to U.S. Provisional Application No. 60/242,870 filed on October 24, 2000 (hereinafter, "the Lee provisional application"). However, the Applicants point out that the language of Lee, et al. being used by the Examiner as the basis for rejecting claim 32, and particularly the portion of the sentence beginning at Col. 3, line 3 of Lee, et al., which states "The polymer layer 48 may be molded over a fuel injector and separate fuel rail", is not found in, taught, or suggested by the earlier Lee provisional application. The Lee provisional application included no written description at all, but rather only two annotated drawings that contain no support for this language being relied upon by the Examiner. A copy of the Lee provisional application is attached to this Response for the Examiner's review.

Therefore, because the specific language of Lee, et al. cited by the Examiner against claims 32-34 and 36 of the present application is not supported by the earlier Lee provisional application, the Applicants need only swear behind the October 16, 2001 filing date of the non-provisional application that ultimately issued as US 6,622,700 to Lee, et al.

Submitted herewith is a §1.131 Declaration of the joint inventors, William M. Warner, Brain Joseph Vivio, and Brian Joseph Bachand, which removes U.S. Patent No. 6,622,700 to Lee, et al. as a reference. In their Declaration, the inventors declare that their invention was conceived of and reduced to practice before the October 16, 2001 filing date of U.S. Patent No. 6,622,700 to Lee, et al.

In view of the enclosed §1.131 Declaration, the Lee, et al. patent should be removed as a reference. The rejections of claims 32-36 based on Lee, et al. therefore become moot and allowance is respectfully requested.

In view of the foregoing, entry of this Response and Declaration, and allowance of claims 32-36 in addition to the previous allowance of claims 1-8, 10-31, and 37-39, are respectfully requested.

The undersigned attorney is available for telephone conference at any time.

Respectfully submitted,



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